

02/08/02

Jc806 U.S. PTO

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)

Submit an original and a duplicate for fee processing

Jc971 U.S. PTO
10/067870

02/08/02

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|-------------------|------------------|--------------------|----------|-----------|
| THIS APPLICATION: | | PRIOR APPLICATION: | | TOTAL NO. |
| DOCKET NUMBER | FILING DATE | EXAMINER | ART UNIT | OF PAGES |
| P64057US2 | February 8, 2002 | G. Ewoldt | 1644 | 89 |

Address to:

Commissioner of Patents
Box Patent Application
Washington, D.C. 20231

This is a request for filing a [] continuation or [X] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 09/424,246 filed on February 29, 2000, entitled PROCESS FOR THE PRODUCTION OF IMMUNOGLOBULIN A IN MILK by the following inventor(s).

| | | | | |
|----------------------------|------------------|-----------------------------|---------------------------|----------------------------------|
| | Family Name | First Given Name | Second Given Name | |
| Full Name of Inventor | HODGKINSON | Alison | Joy | |
| | City | State or Foreign Country | Country of Citizenship | |
| Residence & Citizenship | Hamilton | New Zealand | New Zealand | |
| | Address | City | Country | Post Office State & Zip Code/ |
| Post Office Address | 1076 River Road, | Hamilton | New Zealand | |

| | | | | |
|----------------------------|------------------|-----------------------------|---------------------------|----------------------------------|
| | Family Name | First Given Name | Second Given Name | |
| Full Name of Inventor | HODGKINSON | Steven | Charles | |
| | City | State or Foreign Country | Country of Citizenship | |
| Residence & Citizenship | Hamilton | New Zealand | New Zealand | |
| | Address | City | Country | Post Office State & Zip Code/ |
| Post Office Address | 1076 River Road, | Hamilton | New Zealand | |

[] additional sheet(s) with inventors information attached

1. [X] A Preliminary Amendment is enclosed.

2. ☒ Cancel claim(s) 1-46 for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

CLAIMS

| | | | | |
|---|--------------|------------------------------|-------------------------------|------------------|
| Basic Fee | | \$370 | | \$740 = \$740.00 |
| Total Claims | 34 - 20 = 14 | x 9 = \$ | x 18 = | \$252.00 |
| Ind. Claims | 2 - 3 = 0 | x 42 = \$ | x 84 = | \$0 |
| <input type="checkbox"/> Multiple Dependent Claims | | <u>+140 = \$</u> Total \$ | <u>+ 280 = \$</u> Total \$ | 992.00 |

3. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

4. ☐ This application is filed under Rule 53(f) and therefore the ☐ Filing Fee ☐ Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 35 C.F.R. 1.16 fees previously made is revoked.

5. ☒ A check in the amount of \$992.00 is enclosed.

6. ☒ Amend the specification by inserting before the first line the sentence:

This is a Divisional of application Serial No. 09/424,246 filed February 29, 2000.

☐ which in turn is

7. ☐ A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:

a) ☐ was claimed by way of a declaration filed in prior application Serial No. _____.

b) ☐ is claimed by way of the attached declaration.

8. ☒ Priority of application Serial No. 314959, filed on May 29, 1997 in New Zealand is claimed under 35 U.S.C. 119.

a) ☒ Certified copy is on file in prior application, Serial No. 09/424,246.

b) ☐ Certified copy filed herewith.

9. ☒ The prior application is assigned of record to AGRESEARCH LIMITED. (Copy Enclosed)

10. [X] The Power of Attorney in the prior application is to at least one of the following:

John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.

- a) [X] The power appears in the original papers of the prior application. (Copy Enclosed)
- b) [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. [X] Petition to extend the life of the above prior application to at least the date hereof

(One box) [] is being concurrently filed in
NOTE: (must be) that prior application.
(X'd) [] was previously filed in that application.
[X] is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. [X] New formal drawings are enclosed.

13. [X] Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 09/424,246, filed February 29, 2000 which is relied on for an earlier filing date under 35 U.S.C. 120.

- a) [] More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.

14. [] Enclosed is a copy of the PTO 892 which issued in Serial No. _____, filed _____ which is relied on for an earlier filing date under 35 U.S.C. 120.

- a) [X] More than one PTO 892 issued in the above Serial No. 09/424,246 and copies of each PTO 892, less the documents, are enclosed.

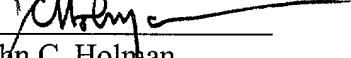
15. [] Also enclosed is:

Address all future correspondence to:

Customer No. 00136
or
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 09/424,246, filed on February 29, 2000. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By 
John C. Holman
Reg. No. 22,769
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Signed this 8th day of
February, 2002

☒ Attorney or Agent of record
☒ Filed under 37 CFR 1.34(a)

JCH:SKS:VJB

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Alison J. HODGKINSON et al

Serial No.: 09/424,246

Examiner: G. Ewoldt

Filed: February 29, 2000

Group Art Unit: 1644

For: PROCESSES FOR PRODUCTION OF IMMUNOGLOBULIN IN A MILK

LETTER OF TRANSMITTAL OF FORMAL DRAWINGS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Kindly place the attached formal drawings in the above-captioned application. It is requested that any minor changes which are deemed necessary by the Patent and Trademark Office be called to Applicant(s) attention.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By: _____
John C. Holman
Registration No. 22,769
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

I.D.: JCH/dls
Folio: P64057US0
Date: March 5, 2001

Enclosures: Formal Drawings